REMARKS

Claims 1-20 and 26 were examined and rejected. claims 21-25 have been previously canceled. Applicant amends claims 1, 9, 11, and 20. Applicant respectfully requests reconsideration of claims 1-20 and claim 26 as amended in view of at least the following remarks.

I.   Claims Objected to

Claims 9 and 10 and objected to because they state "the anemometry circuitry interface," while claim 1 only refers to "an interface." Applicant amends claim 9. Applicant respectfully requests that the Patent Office withdraw the above objection.

II.   Claims Rejected Under 35 U.S.C. §103

Claims 1-3, 5-9, 11-12, 14-20, and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,063,085 to Tay et al. (Tay) in view of U.S. Patent No. 5,493,906 to Sen-Zhi (Sen-Zhi). To render a claim obvious, all elements of that claim must be taught of suggested by at least one properly combined reference.

Applicant respectfully disagrees with the rejection above and submits that independent claims 1 and 11 are patentable over the cited references for at least the reason that Sen-Zhi cannot be appropriately combined with Tay. Tay teaches an apparatus for closing and sealing a vascular puncture by generating sufficient heat to fuse the vascular tissue together (Abstract). Moreover, Tay discloses a flow anemometer having two thin coils of wire spaced slightly apart on a probe and heated so that the resistance between the two coils can be compared to determine the position of the probe with respect to a vessel (col. 2, lines 45-52). Blood flow past one coil within an artery will reduce the coil's temperature, and hence its resistance, compared to a coil outside of the artery (col. 20, lines 52-54). Thus, Tay requires two coils so that the temperature of one coil can be compared to the temperature of the other coil.

On the other hand, Sen-Zhi teaches a constant temperature anemometer for sensing changes in velocities of fluid flows using a single sensor (Abstract, col. 2, lines 1-

14). Specifically, sensor 64 is a temperature dependent sensor selected to have known characteristics and the resistance of sensor 64 is not compared to the resistance of any other such sensor (see col. 6, lines 11-21, col. 7, lines 6-15, and Figure 3).

Thus, the Patent Office's motive "to modify the circuitry as disclosed by Tay et al. to include an interface to the balanced circuit as disclosed by Sen-Zhi to provide a broader frequency bandwidth and a more consistent frequency response," is unfounded. Specifically, there is no requirement, teaching, suggestion, or motivation in Tay for a balanced circuit as disclosed by Sen-Zhi because Tay only teaches measuring and comparing the resistance between two coils of wire. Thus, it is not necessary to determine what the values of the resistances are using a balanced circuit as taught by Sen-Zhi. Similarly, there is no motivation, teaching, or suggestion in Sen-Zhi to use the balanced circuit of Sen-Zhi to compare the resistance between two coils, as Sen-Zhi discloses measuring the change of value over time of resistance of a single temperature dependent sensor to determine fluid flow. As such, there is no suggestion or benefit in Sen-Zhi if two sensors as taught by Tay were used (a position which as noted above the Applicant does not believe Sen-Zhi supports) because Sen-Zhi teaches that one sensor is sufficient. Moreover, there is no indication in either reference that the two thin coils of wire spaced slightly apart of Tay would work as a sensor in Sen-Zhi because Tay only teaches two sensors to determine a position and Sen-Zhi only teaches one sensor to measure fluid flow.

Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) by Tay, Sen-Zhi, and further in view of U.S. Patent No. 3,470,604 to Zenick (Zenick). Claims 4 and 13 are dependent claims as they depend on independent claims 1 and 11. Applicant submits that dependent claims 4 and 13, being dependent upon independent claims 1 and 11, are patentable over the cited references for the reasons explained above. Thus, Applicant respectfully requests that the Patent Office withdraw the rejection of dependent claims 4 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Tay, Sen-Zhi, and further in view of Zenick.

Claims 10 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tay in view of Sen-Zhi, and further in view of U.S. Patent No. 5,873,835 to

Hastings et al. (Hastings). Applicant submits that claims 10 and 18, being dependent upon claim 11, are patentable over Tay in view of Sen-Zhi, and further in view of Hastings. Thus, Applicant respectfully requests that the Patent Office withdraw the rejection of dependent claims 10 and 18 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

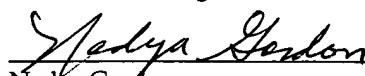Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Date: 11/16/04
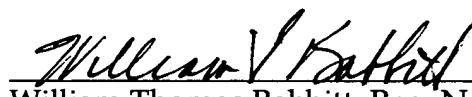
William Thomas Babbitt, Reg. No. 39,591

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800